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Paper 1
Filed: 10 May 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN A. HOSSACK and SAMUEL H. MASLAK
Junior Party
(Patent No. 5,928,151)

v.

DAVID N. ROUNDHILL, MICHALAKIS AVERKIOU,
and JEFFREY E. POWERS
Senior Party
(Application No. 09/617,318)

Patent Interference No. 105,877 (JC)
(Technology Center 3700)

DECLARATION – Bd. R. 203(b)¹

¹ “Bd.R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of Interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application, patent, count(s) and claims designated
4 as corresponding or as not corresponding to the count(s) appear in Parts E and F of
5 this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Josiah Cocks has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **1:30 p.m.**
14 **on 10 July 2012** (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of motions (Bd.R. 120; Bd.R. 204; SO ¶¶
17 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 **Junior Party**

3 Named Inventors: John A. Hossack, Palo Alto, CA
4 Samuel H. Maslak, Woodside, CA

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6 Involved Patent: Patent 5,928,151, issued 27 July 1999, based on
7 application 08/924,407, filed 22 August 1997.

8
9 Title: Ultrasonic System and Method for Harmonic
10 Imaging in Three Dimensions

11
12 Assignee: Siemens Medical Solutions USA, Inc.

13 **Senior Party**

14
15 Named Inventors: David N. Roundhill, Bothell, WA
16 Michalakis Averkiou, Kirkland, WA
17 Jeffry E. Powers, Bainbridge Island, WA

18
19 Involved Patent: Application 09/617,318, filed 17 July 2000.

20
21 Title: System and Method for Three Dimensional
22 Harmonic Ultrasound Imaging

23
24 Assignee: Philips Ultrasound, Inc.

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27 The senior party is assigned exhibit numbers 1001-1999. The junior party is
28 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
29 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 **Part F. Count and claims of the parties**

2 Count 1

3 Claim 1 of Hossack's 5,928,151 Patent

4 or

5 Claim 103 of Roundhill's Application

6

7 The claims of the parties are:

8 Hossack: 1-104

9 Roundhill: 103-107

10 The claims of the parties which correspond to Count 1 are:

11 Hossack: 1-104

12 Roundhill: 103-107

13 The claims of the parties which do not correspond to Count 1 are:

14 Hossack: none

15 Roundhill: none

16 The parties are accorded the following benefit for Count 1:

17 Hossack: none

18 Roundhill: application 09/247,343, filed 08 February 1999,
19 now patent 6,283,919.

20 application 08/943,546, filed 03 October, 1997,
21 now patent 5,879,303.

22 application 60/032,771, filed 26 November, 1996.

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1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference,

3 see SO ¶ 106.1.1:

4 Filed on behalf of: *Party* @

Paper Leave Blank

5 By: *Counsel Name(s)* @

6 *Address* @

7 (@@@@) @@@@- @@@@ (telephone)

8 (@@@@) @@@@- @@@@ (facsimile)

10 UNITED STATES PATENT AND TRADEMARK OFFICE

11

12 BEFORE THE BOARD OF PATENT APPEALS
13 AND INTERFERENCES

14 JOHN A. HOSSACK and SAMUEL H. MASLAK

15 Junior Party

16 (Patent No. 5,928,151)

17 v.

18 DAVID N. ROUNDHILL, MICHALAKIS AVERKIOU,

19 and JEFFREY E. POWERS

20 Senior Party

21 (Application No. 09/617,318)

22 Patent Interference No. 105,877 (JC)

23 (Technology Center 3700)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Josiah C. Cocks/
Administrative Patent Judges

Enci

Copy of STANDING ORDER (MARCH 2011)
Copy of claims of Application 09/617,318
Copy of Patent 5,928,151

cc (via overnight mail):

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